



# PUBLIC NOTICE

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DA 04-1449

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## WIRELINE COMPETITION BUREAU GRANTS CONSENT FOR ACQUISITION OF LOCAL EXCHANGE ASSETS OF IOWA TELECOM BY HEART OF IOWA

WC Docket No. 03-249

Pursuant to section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and sections 0.91, 0.291, and 63.03 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 63.03, the Wireline Competition Bureau (Bureau) approves the application for transfer of control of the Conrad, Eldora, and Steamboat Rock exchanges in Iowa from Iowa Telecommunications Services, Inc. (Iowa Telecom) to Heart of Iowa Communications Cooperative (Heart of Iowa).<sup>1</sup> No comments were filed in this proceeding.<sup>2</sup>

The Bureau finds, upon consideration of the record, that the proposed transfer will serve the public interest, convenience and necessity, and therefore grants the requested authorization.<sup>3</sup>

<sup>1</sup> See *Domestic Section 214 Application Filed for Transfer of Control of the Conrad, Eldora, and Steamboat Rock (Iowa) Exchanges; Heart of Iowa Communications Cooperative and Iowa Telecommunications Services, Inc., d/b/a Iowa Telecom Seek Waiver of the Study Area Boundary Freeze as Codified in Part 36 and Waivers of Sections 69.3(e)(11) and 69.605(c) of the Commission's Rules*, WC Docket No. 03-249; CC Docket No. 96-45, Public Notice, 18 FCC Rcd 26330 (2003).

<sup>2</sup> We note that the applicants amended their joint application for transfer of control with a Second Amendment to their Asset Purchase Agreement that eliminated a proposed non-compete clause involving the carriers. See Letter from Gregory J. Vogt, Counsel for Iowa Telecommunications Service, Inc. and David Cosson, Counsel for Heart of Iowa Communications Cooperative, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-249; CC Docket No. 96-45 (filed Apr. 23, 2004).

<sup>3</sup> See *Joint Applications of Global Crossing Ltd., and Citizens Communications Company for Authority to Transfer Control of Corporations Holding Commission Licenses and Authorizations Pursuant to Sections 214 and 310(d) of the Communications Act and Parts 20, 22, 63, 78, 90, and 101 of the Commission's Rules*, Memorandum Opinion and Order, 16 FCC Rcd 8507, 8511-14 (CCB/IB/CSB/WTB 2001) (granting transfer of control involving incumbent LECs with adjacent exchanges where merger would provide service efficiencies); *Joint Applications of Telephone and Data Systems, Inc. and Chorus Communications, Ltd. For Authority to Transfer Control of Commission Licenses and Authorizations Pursuant to Sections 214 and 310(d) of the Communications Act and Parts 22, 63 and 90 of the Commission's Rules*, Memorandum Opinion and Order, 16 FCC Rcd 15293, 15296-99 (CCB/WTB 2001) (authorizing transfer of control involving an incumbent LEC and in-region provider of local exchange and exchange access services where transaction overall resulted in pro-competitive benefits).

Pursuant to section 1.103 of the Commission's rules, 47 C.F.R. § 1.103, the consent granted herein is effective upon the release of the Public Notice.<sup>4</sup> Petitions for reconsideration under section 1.106 or applications for review under section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of this Public Notice.

For further information, please contact Christi Shewman at (202) 418-1686 or Dennis Johnson at (202) 419-0809 in the Competition Policy Division, Wireline Competition Bureau.

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<sup>4</sup> Action on this domestic section 214 application is without prejudice to any action the Commission may take on the pending waiver requests in CC Docket No. 96-45 that were filed along with this application.